

FEDERAL LAW (BANK ROBBERY)

Whitfield v. U.S., --- U.S. --- (2015), decided January 13, 2015

FACTS: Whitfield was fleeing police after a “botched bank robbery,” when he entered Parnell’s home through an unlocked door. He found a “terrified Parnell,” age 79, inside, and “guided her from the hallway to another room, just a few feet away.” There, she had a fatal heart attack. Whitfield fled and was apprehended nearby.

Among other crimes, he was indicted for forcing her “to accompany him in the course of avoiding apprehension for a bank robbery.”¹ He was convicted of that charge (among others) and appealed. The Fourth Circuit agreed as to his guilt. He requested certiorari and the U.S. Supreme Court granted review.

ISSUE: Does the forced accompaniment provision of federal bank robbery law require that the victim be taken any minimum distance?

HOLDING: No

DISCUSSION: The Court noted that the provision of the bank robbery statute in question had remained unchanged since it was passed in 1934, following an outbreak of bank robberies. As such, the Court noted the term “accompany” would have the same meaning as it did then, to “go with” the other person. It does not “connote movement over a substantial distance.” The Court noted that “English literature is replete with examples” of the use of the term, quoting from Charles Dickens and Jane Austen, finding that the word did not require any specific distance.

The Court agreed, however that:

It is true enough that accompaniment does not embrace minimal movement—for example, the movement of a bank teller’s feet when the robber grabs her arm. It must constitute movement that would normally be described as from one place to another, even if only from one spot within a room or outdoors to a different one. Here, Whitfield forced Parnell to accompany him for at least several feet, from one room to another. That surely sufficed.

Whitfield argued that the severity of the punishment created by the enhancement militated against interpreting it to mean covering short distances. The Court, however, noted that the danger of a forced accompaniment was unchanged by the “distance traversed.” As such, the Court held that the provision applied even if the distance involved was minimal, and upheld Whitfield’s conviction.

¹ 18 U. S. C. §2113(e).

FULL TEXT OF DECISION: http://www.supremecourt.gov/opinions/14pdf/13-9026_11o2.pdf